IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE NINTEENTH DAY OF APRIL, TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE: **N.V. RAMANA**

W.P. No. 6207 of 2004

Between:

The South Indian Sugar Mills Association, Andhra Padesh, having its Registered Office, at D.No.5-9-22/69, Adarshnagar, Hyderabad, rep. by its president Mr. P.T.Vikram Prasad

Petitioner

AND

1. The Union of India, rep. by its Secretary, Ministry of Energy, Central Secretariat Buildings, New Delhi-1.
2. The Andhra Pradesh Electricity Regulatory Commission, Red Hills, Hyderabad, rep. by its Chairman.
3. The Andhra Pradesh Transmission Company Ltd, Vidyut Soudha, Somajiguda, Hyderabad., rep. by its Managing Director.

Respondents

Petition under Article 226 of the constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly a writ of Mandamus, the action of the 1st respondent in not establishing the Tribunal as contemplated under Section 110 of the Electricity Act, 2003 as violative of the principles of Natural Justice and further declare that the action of the 2nd respondent in revising the purchasing rate of the Electrical Energy through its order dated 20-3-2004 in RP No. 84/2003 in OP No.1025/2000 in " a two part tariff system" with a drastic reduction from the prevailing tariff without considering the Objections and the scientific data supplied by the Petitioner - Association, and even in negation of the recommendations of the NEDCAP, the expert body, as being illegal, arbitrary, violative of principles of promissory estoppel besides being violative of Article 19 (1) (g) of the Constitution of India and the established judicial precedents, and consequently set aside the order dated 20-3-2004 of the 2nd respondent with a direction to the 1st respondent to establish the Appellate Electricity Tribunal as was envisaged under Section 113 of the Electricity Act, 2003.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the order of the High court dated 1-4-2004 made herein and upon hearing the arguments of Mr.P. Srinivasulu,Advocate for the Petitioner and of mr. T. Suryakaran Reddy, S.C. for Central Govt., for the Respondent No.1 and of pr. Sri Raghu Ram, Advocate for the Advocate for Respondent No.2.

The Court made the following ORDER :

"Learned Advocate General represented that a counter affidavit is being filed in the matter. Learned counsel for petitioner sought time to file reply.

Post on 26-4-2004.

Meanwhile, the interim order granted on 1-4-2004 stands extended."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Union of India, Ministry of Energy, Central Secretariat Buildings, New Delhi-1.
2. The Chairman, Andhra Pradesh Electricity Regulatory Commission, Red Hills, Hyderabad,
3. The Managing Director, Andhra Pradesh Transmission Company Ltd, Vidyut Soudha, Somajiguda, Hyderabad.
4. Two CCs to the Advocate General, High Court of A.P. Hyderabad(OUT)
5. One Spare COPY.

YVN

HIGH COURT

NVRJ

DT. 19-4-2004

NOTE:POST ON 26-4-2004

ORDER

W.P.NO.6207 OF 2004

EXTENDING THE INTERIM ORDER